


FEB 26 2013

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

JULIA C. BUDLEY, CLERK  
BY:   
DEPUTY CLERK

UNITED STATES OF AMERICA                     )  
   )  
   )  
v.   )  
   )  
   )  
JONATHAN JIMENEZ.                             )  
   )

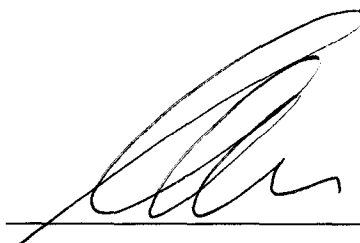
Criminal Case No. 5:01cr30058-6

**2255 MEMORANDUM OPINION**

By: Samuel G. Wilson  
United States District Judge

Jonathan Jimenez, a federal inmate proceeding *pro se*, has filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Jimenez challenges his 292-month sentence for conspiring to distribute cocaine base in violation of 21 U.S.C. § 846. Court records indicate that Jimenez previously filed a § 2255 motion regarding the same conviction and sentence, which the court denied. (See Order, ECF No. 421.) This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). As Jimenez has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, the court dismisses his motion as successive.<sup>1</sup>

ENTER: February 25, 2013.

  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> Jimenez apparently believes that the court's previous reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2) constitutes a resentencing that permits a second or successive § 2255 petition. However, § 3582 does not affect the finality of a criminal judgment. See United States v. Sanders, 247 F.3d 139, 143 (4th Cir. 2001).

To obtain certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion, Jimenez must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244. A form and instructions for filing this motion are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.